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control mount surface curved side 188. Control mount surface 180 is sized and dimensioned to receive a corresponding control panel, such as the membrane switch control panel 166 (shown in Figure 2). In alternative embodiments, however, it is contemplated that other shapes of control mount surface 180 may be employed in outer door panel 160.

IN THE CLAIMS

sub 62
AD
8. (once amended) An outer door panel for a dishwasher, said outer door panel comprising:
a frame comprising a longitudinal axis,
an outer surface covering said frame; and
a control panel mounting surface within said frame and surrounded by said frame outer surface, said control panel mounting surface inclined with respect to said longitudinal axis.

AB sub 65
21. (once amended) A dishwasher door assembly in accordance with Claim 17 wherein said escutcheon is fabricated from plastic.

Remarks

The Office Action mailed February 25, 2003 has been carefully reviewed and the foregoing amendment has been made in consequence thereof. Submitted herewith is a Submission of Marked Up Paragraphs and Claims.

Claims 1-21 are now pending in this application. Claims 14-16 are allowed. Claims 1, 3-9, and 17-21 stand rejected. Claims 2 and 10-13 stand objected to.

Applicants respectfully traverse the objection to the disclosure. The specification has been amended to correct the informalities noted within the Office Action. Specifically, the specification was amended on page 6, lines 18 and 34 to recite "(shown in Figure 2)". For the reasons set forth above, Applicants request that the objection to the disclosure be withdrawn.

The rejection of Claim 21 under 35 U.S.C. § 112 is respectfully traversed. Applicants submit that Claim 21 particularly points out, and distinctly claims, the subject matter which the Applicants regard as the invention, and thus is definite. Specifically, Claim 21 has been

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amended to recite "[a] dishwasher door assembly in accordance with Claim 17 wherein said escutcheon is fabricated from plastic." Applicants respectfully submit that Claim 21 meets the requirements of Section 112, second paragraph.

For the reasons set forth above, Applicants respectfully request that the Section 112 rejection of Claim 21 be withdrawn.

The rejection of Claims 1, 6-9, 17, 18, and 20 under 35 U.S.C. § 102(b) as being anticipated by Abresch is respectfully traversed.

Abresch describes a door (34) pivotably coupled to a dishwasher shell (26) including ornamental side members (30, 31). Figure 6 depicts a projection extending from an outer surface of the door that also includes an inner surface (161). A push button (235) is disposed on the outer surface of the door. A dial knob (276) is disposed on an ornamental cross member (35) that extends across the shell beneath the door between the side members. Notably, Abresch does not describe a recessed control mounting surface, rather Abresch describes a projected control mounting surface.

Claim 1 recites an outer door panel for an appliance door assembly, wherein the outer door panel includes "a frame comprising opposite lateral sides...an outer surface extending from said frame and bowed between said lateral sides...and a recessed control mounting surface extending from said outer surface between said lateral sides."

Abresch does not describe or suggest an outer door panel for an appliance door assembly, wherein the outer door panel includes a frame that includes opposite lateral sides, an outer surface extending from the frame and bowed between the lateral sides, and a recessed control mounting surface extending from the outer surface between the lateral sides. Rather, Abresch describes a dishwasher door that includes a projection extending from an outer surface of the door whereon a push button is disposed. In contrast to the pending claims, Abresch describes a control mounted on a projected control mounting surface. The cover described by Abresch is not recessed. It is apparent, from Figures 1 and 7 of Abresch and the accompanying description that the push button control is mounted the projected portion of the outer surface. It is therefore submitted that Abresch teaches away from the invention. For the reasons set forth above, Claim 1 is submitted to be patentable over Abresch.

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Claims 6 and 7 depend directly from independent Claim 1. When the recitations of Claims 6 and 7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 6 and 7 likewise are patentable over Abresch.

Claim 8 recites an outer door panel for a dishwasher, wherein the outer door panel comprises "a frame comprising a longitudinal axis...an outer surface covering said frame...and a control panel mounting surface within said frame and surrounded by said frame outer surface, said control panel mounting surface inclined with respect to said longitudinal axis."

Abresch does not describe or suggest an outer door panel for a dishwasher, wherein the outer door panel includes a frame that includes a longitudinal axis, an outer surface covering the frame, and a control panel mounting surface within the frame and surrounded by the frame outer surface, the control panel mounting surface inclined with respect to the longitudinal axis. Rather, Abresch describes a dishwasher door that includes a projection extending from an outer surface of the door whereon a push button is disposed. In contrast to the pending claims, Abresch describes a control mounted on a projected control mounting surface. The cover described by Abresch is not surrounded by a frame outer surface. It is apparent, from Figure 1 and 7 of Abresch and the accompanying description that the push button control is mounted the projected portion of the outer surface. It is therefore submitted that Abresch teaches away from the invention. For the reasons set forth above, Claim 8 is submitted to be patentable over Abresch.

Claim 9 depends directly from independent Claim 8. When the recitations of Claim 9 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claim 9 likewise is patentable over Abresch.

Claim 17 recites a dishwasher door assembly comprises "an outer door panel that includes a bowed outer surface and a recessed control surface depending from said outer surface...and a unitary inner door panel attached to said outer door panel."

Abresch does not describe or suggest a dishwasher door assembly wherein an outer door panel includes a bowed outer surface and a recessed control surface depending from the outer surface, and a unitary inner door panel attached to the outer door panel. Rather, Abresch describes a dishwasher door that includes a projection extending from an outer surface of the door whereon a push button is disposed. In contrast to the present invention,

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Abresch describes a control mounted on a projected control mounting surface. The cover described by Abresch is not recessed. It is apparent, from Figure 1 and 7 of Abresch and the accompanying description that the push button control is mounted the projected portion of the outer surface. It is therefore submitted that Abresch teaches away from the invention. For the reasons set forth above, Claim 17 is submitted to be patentable over Abresch.

Claims 18 and 20 depend from independent Claim 17. When the recitations of Claims 18 and 20 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 18 and 20 likewise are patentable over Abresch.

For the reasons set forth above, Applicants respectfully request that the Section 102 rejection of Claims 1, 6-9, 17, 18, and 20 be withdrawn.

The rejection of Claims 3-5, 19, and 21 under 35 U.S.C. § 103 as being unpatentable over Abresch in view of Stottmann is respectfully traversed.

Abresch is described above. Stottmann describes a dishwasher door (12) that includes an integral control panel assembly (13). A plastic escutcheon (14) is integral component of the door assembly and provides support of the other components of the control panel. The escutcheon includes a planar base (18) with an elongated slot (22) and a liner (34). The control panel assembly includes a cover (40) that includes an essentially uninterrupted surface mounted to the liner. Notably, Stottmann does not describe a bowed outer surface extending between lateral sides and/or a recessed control mounting surface extending from the outer surface between the lateral sides, rather Stottmann describes a dishwasher door that includes an integrally mounted escutcheon that includes a planar base with an elongate slot.

Applicants respectfully submit that the Section 103 rejection of the presently pending claims is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching, suggestion, or incentive supporting the combination. Neither Abresch nor Stottmann, considered alone or in combination, describe or suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Abresch with Stottmann, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicant's own teaching. Rather, only the conclusory

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statement that "[i]t would have been obvious to one skilled in the art to modify the door panel of Abresch by using an alternate, more modern control means therein, i.e. using the control panel with the multiple features provided by Stottmann therein instead of the simple control means presently taught, to provide a more marketable, modern dishwasher" suggests combining the disclosures.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicants' disclosure. In re Vaack, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection appears to be based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention. Specifically Abresch is cited for its teaching of a dishwasher door that includes a projection extending from an outer surface of the door whereon a push button is disposed, and Stottmann is cited for its teaching of a dishwasher door that includes an integrally mounted escutcheon that includes a planar base with an elongate slot. Since there is no teaching nor suggestion in the cited art for the claimed combination, the Section 103 rejection appears to be based on a hindsight reconstruction in which isolated disclosures have been picked and chosen in an attempt to deprecate the present invention. Of course, such a combination is impermissible, and for this reason alone, Applicants respectfully request that the Section 103 rejection be withdrawn.

Further, and to the extent understood, neither Abresch nor Stottmann, alone or in combination, describe or suggest the claimed combination, and as such, the presently pending

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claims are patentably distinguishable from the cited combination. Specifically, Claim 1 recites an outer door panel for an appliance door assembly, wherein the outer door panel comprises "a frame comprising opposite lateral sides...an outer surface extending from said frame and bowed between said lateral sides...and a recessed control mounting surface extending from said outer surface between said lateral sides."

Neither Abresch nor Stottmann, alone or in combination, describe or suggest an outer door panel for an appliance door assembly, wherein the outer door panel includes a frame that includes opposite lateral sides, an outer surface extending from the frame and bowed between the lateral sides, and a recessed control mounting surface extending from the outer surface between the lateral sides. Specifically, neither Abresch nor Stottmann, alone or in combination, describe or suggest a recessed control mounting surface extending from an outer surface between lateral sides. Rather, Abresch describes a control mounted on a projected control mounting surface, but does not describe a control mounted on a recessed control mounting surface, and Stottmann describes a dishwasher door that includes an integrally mounted escutcheon that includes a planar base with an elongate slot, but does not describe a bowed outer surface extending between lateral sides and/or a recessed control mounting surface extending from the outer surface between the lateral sides. For the reasons set forth above, Claim 1 is submitted to be patentable over Abresch in view of Stottmann.

Claims 3-5 depend from independent Claim 1. When the recitations of Claims 3-5 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 3-5 likewise are patentable over Abresch in view of Stottmann.

Claim 17 recites a dishwasher door assembly comprises "an outer door panel that includes a bowed outer surface and a recessed control surface depending from said outer surface...and a unitary inner door panel attached to said outer door panel."

Neither Abresch nor Stottmann, alone or in combination, describe or suggest a dishwasher door assembly wherein an outer door panel includes a bowed outer surface and a recessed control surface depending from the outer surface, and a unitary inner door panel attached to the outer door panel. Specifically, neither Abresch nor Stottmann, alone or in combination, describe or suggest a dishwasher door assembly wherein an outer door panel includes a bowed outer surface and a recessed control surface depending from the outer surface. Rather, Abresch describes a control mounted on a projected control mounting surface, but does not describe a recessed control surface depending from an outer surface, and

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Stottmann describes a dishwasher door that includes an integrally mounted escutcheon that includes a planar base with an elongate slot, but does not describe an outer door panel that includes a bowed outer surface and a recessed control surface depending from the outer surface. For the reasons set forth above, Claim 17 is submitted to be patentable over Abresch in view of Stottmann.

Claims 19 and 21 depend from independent Claim 17. When the recitations of Claims 19 and 21 are considered in combination with the recitations of Claim 17, Applicants submit that dependent Claims 19 and 21 likewise are patentable over Abresch in view of Stottmann.

For the reasons set forth above, Applicants respectfully request that the Section 103 rejection of Claims 3-5, 19, and 21 be withdrawn.

The objection to Claims 2 and 10-13 is respectfully traversed.

Claims 2 and 10-13 were objected to as being dependent upon a rejected base claim, but were indicated as being allowable if rewritten in independent form. Claim 2 depends from independent Claim 1, which is submitted to be in condition for allowance. When the recitations of Claim 2 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claim 2 likewise is in condition for allowance. Claims 10-13 depend from independent Claim 8, which is submitted to be in condition for allowance. When the recitations of Claims 10-13 are considered in combination with the recitations of Claim 8, Applicants submit that dependent Claims 10-13 likewise are in condition for allowance.

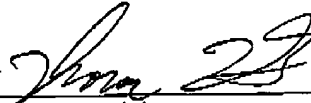
For the reasons set forth above, Applicants respectfully request that the objection to Claims 2 and 10-13 be withdrawn.

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In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully Submitted,



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Max Douglas Oyler, et al.

Art Unit: 3647

Serial No.: 09/930,721

Examiner: Wilkens, Janet M.

Filed: August 15, 2001

For: DISHWASHER DOOR
ASSEMBLY

SUBMISSION OF MARKED UP PARAGRAPHS AND CLAIMS

Hon. Commissioner for Patents
Washington, D.C. 20231

Submitted herewith are marked up paragraphs and claims in accordance with 37 C.F.R. Section 1.121(b)(1)(iii) and 1.211(c)(1)(ii), wherein additions are underlined and deletions are [bracketed].

IN THE SPECIFICATION

[0030] Figure 3 is a front plan view of outer door panel 160 illustrating panel outer surface 164 extending over frame 160, and a control mounting surface 180 extending from outer surface between frame lateral sides 172, 174 in an upper region 182 of frame 162 adjacent frame top edge 168. In an exemplary embodiment, control mount surface 180 is substantially flat or planar and therefore facilitates installation of a control panel, such as panel 166 (shown in Figure [1]2). To facilitate wire leads and control panel connections, control mount surface 180 includes an aperture 184 extending therethrough for passing of wires (not shown) of a control panel, such as the membrane switch assembly referred to above in relation to Figure 1. In further embodiments, control mount surface 180 may include other apertures as desired to facilitate installation of other control panel schemes and associated displays, etc.

[0031] In an illustrative embodiment, and as depicted in Figure 3, control mount surface 180 is saucer-shaped between frame lateral sides 172, 174. More specifically, control mount surface 180 includes a straight side 186 extending beneath and generally parallel to frame top edge 168, an outwardly curved side 188 (concave as illustrated in Figure 3)

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extending opposite control mount surface straight side 186 and further extending substantially a full length between frame lateral sides 172, 174, and two angled sides 190 connecting respective ends of control mount surface straight side 186 to respective ends of control mount surface curved side 188. Control mount surface 180 is sized and dimensioned to receive a corresponding control panel, such as the membrane switch control panel 166 (shown in Figure [1]2). In alternative embodiments, however, it is contemplated that other shapes of control mount surface 180 may be employed in outer door panel 160.

IN THE CLAIMS

8. (once amended) An outer door panel for a dishwasher, said outer door panel comprising:


a frame comprising a longitudinal axis,

an outer surface covering said frame; and

a control panel mounting surface within said frame and [extending from] surrounded by said frame outer surface, said control panel mounting surface inclined with respect to said longitudinal axis.

21. (once amended) A dishwasher door assembly in accordance with Claim [20]17 wherein said escutcheon is fabricated from plastic.

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